AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

1. (Currently Amended)   A system, comprising:

a service measurement database having stored therein network service measurement data relating to a network; and

a server in communication with the service measurement database, wherein the server estimates a data throughput for a device that is in communication with the network based on the network service measurement data and a parameter received from, and measured by, the device that is in communication with the network.

2. (Original) The system of claim 1, wherein the server includes an application server.

3. (Original) The system of claim 1, wherein the network is one of a wireless network, a wireline network, the Internet, and an intranet.

4. (Original) The system of claim 1, wherein the device includes one of a personal computer and a handheld computing device.

5. (Original) The system of claim 1, further comprising a modem in communication with the device.

6. (Original) The system of claim 5, wherein the server communicates the throughput of the network to the modem.

7. (Original) The system of claim 5, wherein the modem is configured to display an

indication of the throughput of the network.

8. (Original) The system of claim 5, wherein the modem includes a display area that is configured to display an indication of the throughput of the network.

9. (Original) The system of claim 1, wherein the server is in communication with a service center.

10. (Original) The system of claim 5, wherein the modem is one of a wireless modem and a landline modem.

11. (Currently Amended) A method of communicating a relative network throughput to a user of a device, comprising:

 receiving a first parameter from a communications device, and measured by the communications device, that is in communication with a computing device;

 receiving a second parameter from a service measurement database;

 calculating the relative network throughput based on the first and second parameters; and

 communicating the relative network throughput to the communications device.

12. (Original) The method of claim 11, wherein receiving the first parameter includes receiving the first parameter via a network.

13. (Original) The method of claim 12, wherein receiving the first parameter via a network includes receiving the first parameter via the Internet.

14. (Currently Amended) The method of claim 11, wherein receiving a first parameter includes receiving one of a received signal strength (RSS), a signal-to-interference ration (SIR), a primary receiving site, and a carrier.

15. (Currently Amended) The method of claim 11, wherein receiving a second parameter includes receiving ~~one of~~ an indication of total voice traffic/sector/carrier, ~~and indication of total data traffic/sector/carrier, an indication of origination failures, and an indication of dropped calls~~.

16. (Original) The method of claim 11, wherein communicating the network throughput to the communications device includes communicating the network throughput to a modem.

17. (Original) The method of claim 16, further comprising displaying the network throughput on the modem.

18. (Original) The method of claim 11, wherein calculating the network throughput includes calculating a forward link relative throughput.

19. (Original) The method of claim 11, wherein calculating the network throughput includes calculating the network throughput as one of a numerical value and a range of numerical values.

20. (Previously Presented)   An apparatus, comprising:
    means for receiving a first parameter from a communications device that is in communication with a computing device;
    means for receiving a second parameter from a service measurement database;
    means for calculating a network throughput based on the first and second parameters; and
    means for communicating the network throughput to the communications device.

21. (New) A method of communicating a relative throughput to a user of a device, comprising the steps of:
    measuring at least one parameter associated with Received Signal Strength

(RSS) local to an environment of a modem;

using out of band signaling from said modem to a network to determine at least one other parameter associated with a primary serving site, a sector and a carrier associated with communications between said modem and said network;

sending said at least one parameter, said primary serving site, said sector, and said carrier, from said modem through said network to a server;

querying, from said server, a service measurement database;

obtaining, from said service measurement database, data relating to a performance of said network, wherein said data relating to the performance of said network contains information associated with at least one of voice traffic/sector/carrier, dropped calls and origination failures;

estimating throughput of said network by said server based on said parameters and said data, wherein said throughput indicates relative throughput of said network to said modem;

transmitting said estimated throughput to said modem via said network; and

displaying said estimated throughput on said modem.

22. (New) The method of claim 21, wherein said step of sending said at least one parameter is sent as at least one of SMS message or MMS message;

23. (New) The method of claim 11, wherein said step of receiving a first parameter includes a step of receiving a received signal strength (RSS).

24. (New) The method of claim 11, wherein said step of receiving a first parameter includes a step of receiving a signal-to-interference ratio (SIR).

25. (New) The method of claim 11, wherein said step of receiving a first parameter includes a step of receiving a sector.

26. (New) The method of claim 11, wherein said step of receiving a first parameter

includes a step of receiving a carrier.

27. (New) The method of claim 11, wherein said step of receiving a second parameter includes a step of receiving an indication of total data traffic/sector/carrier.

28. (New) The method of claim 11, wherein said step of receiving a second parameter includes a step of receiving an indication of origination failures.

29. (New) The method of claim 11, wherein said step of receiving a second parameter includes a step of receiving an indication of dropped calls.

30. (New) The system of claim 8, wherein said display area includes three lights, wherein one of said three lights is capable of displaying the color red, one of said three lights is capable of displaying the color yellow and one of said three lights is capable of displaying the color green.

31. (New) The system of claim 30, wherein said light displaying the color red indicates low throughput.

32. (New) The system of claim 30, wherein said light displaying the color yellow indicates medium throughput.

33. (New) The system of claim 30, wherein said light displaying the color green indicates high throughput.